

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
CLEVELAND BROADNAX,	:	
	:	
Plaintiff,	:	
	:	21-cv-2926 (VSB)
-against-	:	
	:	<u>ORDER</u>
WARDEN MICHELLE HALLET, et al.,	:	
	:	
Defendants.	:	
-----X	:	

VERNON S. BRODERICK, United States District Judge:

Plaintiff filed the complaint in this action on April 5, 2021. (Doc. 2.) On October 1, 2021, the New York City Department of Correction filed a waiver of service of summons unexecuted for Defendants Hallet, Sanchez, Grant, Vincent, Sans, and Lubin. (Doc. 14.) The Department of Correction identified that Defendant Hallet was no longer an employee of the agency, there was no Deputy Sanchez at Anna M. Kross Center, there were no matches to Defendant Sans, and there was more than one Officer Grant, Vincent, and Lubin at Anna M. Kross Center. (*Id.*) On March 17, 2022, former Warden Hallet and the remaining defendants in this action filed an answer to the complaint. (Doc. 29.) To date, Defendants Sanchez, Grant, Vincent, Sans, and Lubin have not answered.

Under *Valentin v. Dinkins*, a pro se litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). On April 4, 2022, I issued an order for Plaintiff to submit a letter to the Court on or before April 22, 2022 indicating whether he intends to continue pursuing the action against Defendants Sanchez, Grant, Vincent, Sans, and Lubin and whether he requests assistance in identifying those defendants. (Doc. 30.) I further

ordered that, if Plaintiff does not intend to pursue litigation against Defendants Sanchez, Grant, Vincent, Sans, and Lubin, to voluntarily dismiss those defendants pursuant to Federal Rule of Civil Procedure 41(a)(1)(A) by filing a notice of dismissal on or before April 22, 2022. (Id.) Plaintiff has not complied with my order and filed a letter indicating the status of the litigation against Defendants Sanchez, Grant, Vincent, Sans, and Lubin. It is hereby:

ORDERED that, on or before May 23, 2022, Plaintiff submit a letter identifying the status of the litigation against Defendants Sanchez, Grant, Vincent, Sans, and Lubin and whether he requests assistance in identifying those defendants. If Plaintiff does not intend to pursue the litigation against those defendants, he is further ordered to voluntarily dismiss them pursuant to Federal Rule of Civil Procedure 41(a)(1)(A) by filing a notice of dismissal on or before May 23, 2022. If Plaintiff fails to comply with this order, Defendants Sanchez, Grant, Vincent, Sans, and Lubin will be dismissed from the action pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of Court is respectfully directed to mail a copy of this Order to pro se Plaintiff.

SO ORDERED.

Dated: May 9, 2022

New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style.

Vernon S. Broderick

United States District Judge